

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---------------------------------|---|------------------|
| NATIONAL UNION FIRE INSURANCE |) | |
| COMPANY OF PITTSBURGH, PA, |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION |
| v. |) | NO. 11-10042-NMG |
| |) | |
| MEAD JOHNSON & COMPANY, and |) | |
| MEAD JOHNSON NUTRITION COMPANY, |) | |
| |) | |
| Defendants. |) | |

**REPORT AND RECOMMENDATION ON
DEFENDANTS' MOTION TO TRANSFER VENUE AND ON
PLAINTIFF'S MOTION TO DISMISS OR STAY COUNTERCLAIM**

October 5, 2011

DEIN, U.S.M.J.

I. INTRODUCTION

Plaintiff National Union Fire Insurance Company of Pittsburgh, PA ("National Union") has brought this action against its insured, Mead Johnson & Company and Mead Johnson Nutrition Company (collectively, "Mead Johnson"),¹ seeking a declaratory judgment that it has no duty to defend or indemnify Mead Johnson, under the terms of a Commercial General Liability Policy ("Policy"), in connection with six class action lawsuits that were brought against the defendants by consumers of Mead Johnson's

¹ Although Mead Johnson & Company and Mead Johnson Nutrition Company are distinct legal entities, the parties have referred to them collectively as "Mead Johnson." Accordingly, and for purposes of convenience, this court also will refer to the defendants collectively as "Mead Johnson" or the "defendants" unless otherwise indicated.

Report and Recommendation accepted and adopted.

NW/Gorton, USDJ 12/8/11